

**COMMONWEALTH OF VIRGINIA  
Department of Environmental Quality  
Southwest Regional Office**

**STATEMENT OF LEGAL AND FACTUAL BASIS  
Administrative Amendment**

Dickenson-Russell Coal Company, LLC  
Two miles North of McClure, Dickenson County, Virginia  
Permit No. SWRO10804  
Effective Date: July 12, 2002  
Expiration Date: July 12, 2007

As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, Dickenson-Russell Coal Company, LLC has applied for an administrative amendment to the Title V Operating Permit for its McClure River coal preparation facility. The Department has reviewed the application and has prepared an administrative amendment to the Title V Operating Permit.

Engineer/Permit Contact: \_\_\_\_\_

Date: April 16, 2003

Air Permit Manager: \_\_\_\_\_

Date: April 16, 2003

Deputy Regional Director: \_\_\_\_\_

Date: April 16, 2003

## **REQUESTED MODIFICATION**

On January 10, 2003, the Southwest Regional Office received a request from Clinchfield Coal Company for an administrative amendment to their Title V operating permit for their McClure River coal preparation plant located two miles North of McClure on Big Caney Creek in Dickenson County, Virginia.

## **REASON FOR AMENDMENT**

The request is for a name and ownership change of the Title V operating permit. The new company submitted necessary information to document the name change to Dickenson-Russell Coal Company, LLC.

## **APPLICABILITY OF 9 VAC 5-80-200**

Administrative permit amendment procedures are required for and limited to the following:

1. Correction of typographical or any other error, defect or irregularity which does not substantially affect the permit.

This item is not applicable to the amendment request.

2. Identification of a change in the name, address, or phone number of any person identified in the permit, or of a similar minor administrative change at the source.

The amendment does pertain to a change in the name, address, or phone number of any person identified in the permit, or to a similar minor administrative change at the source.

3. Requirement for more frequent monitoring or reporting by the permittee.

The amendment does not pertain to more frequent monitoring or reporting.

4. Change in ownership or operational control of a source where the board determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the board and the requirements of 9 VAC 5-80-160 have been fulfilled.

The amendment does pertain to a change in ownership or operational control of the source.

5. Incorporation into the permit of the requirements of permits issued under the new source review program when the new source review program meets (i) procedural requirements substantially equivalent to the requirements of 9 VAC 5-80-270 and 9 VAC 5-80-290 that would be applicable to the change if it were subject to review as a permit modification, and (ii) compliance requirements substantially equivalent to those contained in 9 VAC 5-80-110.

The amendment does not pertain to the incorporation of requirements of permits issued under the new source review program.

6. Change in the enforceability status from state-only requirements to federally enforceable requirements for provisions that have been approved through rulemaking by the administrator to be part of the implementation plan.

The amendment does not change the enforceability status from state-only requirements to federally enforceable requirements for provisions that have been approved through rulemaking by the administrator to be part of the implementation plan.

### **CHANGES TO TITLE V OPERATING PERMIT**

The name and ownership change will be incorporated into the Title V permit. As required by 9 VAC 5-80-200.B.2, the revision will be designated in the permit amendment as having been made pursuant to 9 VAC 5-80-200.

### **PUBLIC PARTICIPATION**

As required by 9 VAC 5-80-200.B.2, administrative amendments shall be incorporated into the permit without providing notice to the public or affected states. Therefore, a public notice is not required.

As required by 9 VAC 5-80-200.B.3, a copy of the revised permit will be submitted to the United States Environmental Protection Agency.